

Chapter 20

Property Rights - Title and Control

53B-20-101 Property of institutions to vest in state board.

The State Board of Regents is the successor to, and vested with, all the powers and authority relating to all properties, real and personal, tangible and intangible, and to the control and management of the property which was held by the governing board of each institution prior to the creation of the board.

Enacted by Chapter 167, 1987 General Session

53B-20-102 Vesting of rights, claims, and causes of action in higher education institutions -- Right to sue in corporate name.

All rights, claims, and causes of action to or for any property vested in an institution of higher education prior to the effective date of this chapter, or the use of or income from the property, or for any conversion, disposition, and withholding of the property, or for any damage or injury to the property vests in the institution. The institution may bring and maintain actions in its corporate name to recover, protect, and preserve all property and rights of the institution and enforce any contract relating to those rights and property.

Enacted by Chapter 167, 1987 General Session

53B-20-103 Powers of state board -- Capital facilities projects -- Exceptions.

- (1) As used in this section, "capital facilities projects and buildings" includes any one or more institutional projects and buildings.
- (2) The board, on behalf of the institutions of higher education, may:
 - (a) acquire, purchase, construct, improve, remodel, add to, and extend capital facilities projects and buildings including necessary and related utilities;
 - (b) accept buildings, land, or a combination of buildings and land, donated to an eligible higher education institution without obtaining approval of the donation from the director of the Division of Facilities Construction and Management;
 - (c) acquire necessary and suitable equipment, furnishings, and land for institutional projects and buildings;
 - (d) set aside portions of campuses for institutional projects and buildings;
 - (e) maintain and operate institutional projects and buildings; and
 - (f) impose and collect rents, fees, and charges for the use of institutional projects and buildings.
- (3) Notwithstanding any other provision of law, if a donor donates land to an eligible institution of higher education and commits to build a building or buildings on that land, and the institution agrees to provide funds for the operations and maintenance costs from sources other than state funds, and agrees that the building or buildings will not be eligible for state capital improvement funding, the higher education institution may:
 - (a) oversee and manage the construction without involvement, oversight, or management from the Division of Facilities Construction and Management; or
 - (b) arrange for management of the project by the Division of Facilities Construction and Management.

Amended by Chapter 342, 1998 General Session

53B-20-104 Buildings and facilities -- Board approval of construction and purchases -- Rules.

- (1) The board shall approve all new construction, repair, or purchase of educational and general buildings and facilities financed from any source at all institutions subject to the jurisdiction of the board.
- (2) An institution may not submit plans or specifications to the State Building Board for the construction or alteration of buildings, structures, or facilities or for the purchases of equipment or fixtures for the structure without the authorization of the board.
- (3) The board shall make rules establishing the conditions under which facilities may be eligible to request state funds for operations and maintenance.
- (4) Before approving the purchase of a building, the board shall:
 - (a) determine whether or not the building will be eligible for state funds for operations and maintenance by applying the rules adopted under Subsection (3); and
 - (b) if the annual request for state funding for operations and maintenance will be greater than \$100,000, notify the speaker of the House, the president of the Senate, and the cochairs of the Infrastructure and General Government subcommittee of the Legislature's Joint Appropriation Committee.

Amended by Chapter 242, 2012 General Session

53B-20-105 Institutional right to receive and convert grants, gifts, devises, or bequests.

- (1) Each institution may convert property received by gift, grant, devise, or bequest, and not suitable for its use, into other property or into money. All property received or converted under this subsection shall be held, invested, and managed and the proceeds used for the purposes and under the conditions prescribed in the grant or donation.
- (2) If a condition is imposed by the terms of a grant, gift, devise, or bequest which is impracticable under the law, the grant is still valid. However, the condition must be rejected and the intent of the grantor carried out as nearly as may be possible.
- (3) A grant, gift, devise, or bequest for the benefit of the institution is not defeated or prejudiced by any misnomer, misdescription, or informality, if the intent of the grantor or donor can be shown or ascertained with reasonable certainty.

Enacted by Chapter 167, 1987 General Session

53B-20-106 Property exempt from taxes and assessments.

The property of the institutions governed by the board is exempt from all taxes and assessments.

Enacted by Chapter 167, 1987 General Session